

## Message Text

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ORIGIN EA-14

INFO OCT-01 ADP-00 L-03 SCS-03 SCA-01 PA-03 PRS-01 USIA-15

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DRAFTED BY EA/PHL:MMEASTON, L/EA:EVERVILLE:JF

8/L3/73, X29270

APPROVED BY EA/PHL:REUSHER

L/M/SCA:KEMALMBORG (SUBST.)

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P 132320Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY MANILA PRIORITY

C O N F I D E N T I A L STATE 160312

E.O. 11652: GDS

TAGS: CASC, RP (LEHMAN, AUGUST MCCORMICK)

1. AUGUST 13 AFP REPORT STATES AUGUST MCCORMICK LEHMAN AMONG 31 PERSONS CHARGED WITH CONSPIRING TO KILL PRESIDENT MARCOS "FOR THE PURPOSE OF OVERTHROWING THE GOVERNMENT." INDIVIDUALS UNDER DETENTION ARE TO BE SERVED COPY OF CHARGES AGAINST THEM AND "THEORETICALLY" A MILITARY TRIAL CAN START FIVE DAYS AFTER THE SERVING OF THE CHARGE ACCORDING TO UNIDENTIFIED SOURCES CITED BY AFP.

2. CAN EMBASSY CONFIRM ABOVE REPORT AND DETERMINE WHETHER OR NOT LEHMAN HAS RECEIVED CHARGES.

3. WE ARE NOT CLEAR RE PROCEDURES WHICH APPLY IN MARTIAL LAW COURTS AND IN FACT ARE MYSTIFIED BY REPORT OF "CONSPIRACY" CHARGE SINCE GOP PANEL AT EXTRADITION TALKS STATED THAT NO CONSPIRACY STATUTE EXISTED RE ASSASSINATION. WE WERE GIVEN TO UNDERSTAND THAT IF ASSASSINATION ATTEMPT HAD IN FACT BEEN MADE THAT PLOTTERS WOULD BE TRIED FOR ATTEMPTED MURDER OR ATTEMPTED ASSASSINATION, BUT THAT ABSENCE OF CONSPIRACY LAW MADE IT IMPOSSIBLE TO TRY PERSONS FOR CONSPIRACY TO ASSASSINATE.

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4. IF LEHMAN IS TO BE BROUGHT TO TRIAL, WE ASSUME HE  
WOULD BE PERMITTED TO HAVE COUNSEL OF HIS OWN CHOOSING,

AND WE BELIEVE HE SHOULD BE URGED TO RETAIN COUNSEL.  
WHILE WE ARE AWARE THAT HE HAS NOT HERETOFORE WISHED TO  
RETAIN COUNSEL, HE SHOULD BE ADVISED THAT USG IS SIMPLY  
NOT IN A POSITION TO PROVIDE THE ADVICE AND ASSISTANCE  
HE WILL NEED IN THE CONTEXT OF A LEGAL PROCEEDING  
AGAINST HIM AND THAT WE BELIEVE IT IS CRITICAL THAT HE  
OBTAIN COUNSEL. WE WOULD APPRECIATE EMBASSY'S ASSESS-  
MENT OF PROSPECTS FOR OBTAINING LOCAL COUNSEL/AND  
ASSUME EMBASSY CAN ASSIST HIM IN THIS REGARD.

5. UNLESS LEHMAN MAKES SPECIFIC REQUEST TO CONTRARY, WE  
WOULD PLAN NOTIFY HIS PARENTS AS SOON AS EMBASSY CAN  
CONFIRM NEWSPAPER REPORTS. PLEASE ADVISE WHETHER LEHMAN  
IN NEED OF FUNDS TO OBTAIN COUNSEL OR FOR OTHER NEEDS  
SO THAT PARENTS CAN BE FULLY INFORMED AS TO HIS SITUATION.  
WOULD ALSO APPRECIATE EMBASSY'S ASSESSMENT OF UTILITY  
(ASSUMING SUFFICIENT FUNDS) OF US LAWYER GOING TO  
PHILIPPINES TO ASSIST IN PREPARATION OF LEHMAN'S DEFENSE.

6. WOULD APPRECIATE ALL AVAILABLE INFORMATION AND  
EMBASSY'S ASSESSMENT AS TO PROCEDURES FOR TRIAL IN  
MARTIAL LAW COURT, PARTICULARLY AS REGARDS ELEMENTS OF  
DUE PROCESS. THESE WOULD INCLUDE RIGHT TO COUNSEL OF  
OWN CHOOSING, SUFFICIENT TIME TO PREPARE DEFENSE, ETC.  
DEPT. HOPES GOP REALIZES USG'S RESPONSIBILITY TO SEE  
THAT LEHMAN RECEIVES FAIR TREATMENT AND THAT FAILURE TO  
MEET ACCEPTABLE STANDARDS SUCH AS THOSE REFERRED TO  
ABOVE WOULD CAUSE SHARP ADVERSE REACTION IN UNITED STATES.

7. WOULD ALSO APPRECIATE EMBASSY'S ASSESSMENT AS TO  
GOP MOTIVES AND INTENTIONS, INCLUDING POSSIBILITY OF  
DEPORTATION. ROGERS

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**TAGS:** CASC, RP, (LEHMAN, AUGUST MCCORMICK)  
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